

04-03-00

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**CONTINUED PROSECUTION APPLICATION (CPA)
REQUEST TRANSMITTAL**

Submit an original, and a duplicate for fee processing
(Only for Continuation or Divisional applications under 37 CFR 1.53(d))

CHECK BOX, if applicable.

RECEIVED

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Number: EL 542 891 960 US Date of Deposit: 30 March 2000

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10, addressed to Box CPA, Assistant Commissioner for Patents, Washington, D.C. 20231, on 30 March 2000.

addressed to Box CPA
Typed or Printed Name

Type or Printed Name	MARINA SARNOFF	Signed	
Address to:	Box CPA Assistant Commissioner for Patents Washington, DC 20231		
	Attorney Docket No.	A-65680-2/RFT/RMS/DAV/RMK	
	First Named Inventor	HAAF, et al.	
	Examiner Name	BRUSCA, J.	
	Group/Art Unit	1636	
Express Mail Label No.	EL 542 891 960 US		

This is a request for continuation or divisional application under 37 C.F.R. § 1.53(d).

(continued prosecution application (CPA)) of prior application number 09/182,102

filed on October 27, 1998 , entitled Methods and Compositions Utilizing Rad51

NOTES

FILING QUALIFICATIONS: The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 C.F.R. §1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. 371. A Notice will be placed on a patent issuing from a CPA, except for reissues and designs, to the effect that the patent issued on a CPA and is subject to the twenty-year patent term provisions of 35 U.S.C. § 154(a)(2). Therefore, the prior application of a CPA may have been filed before, on or after June 8, 1995.

C-I-P NOT PERMITTED: A continuation-in-part application cannot be filed as a CPA under 37 C.F.R. § 1.53(d), but must be filed under 37 C.F.R. § 1.53(b).

EXPRESS ABANDONMENT OF PRIOR APPLICATION: The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 C.F.R. § 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

ACCESS TO PRIOR APPLICATION: The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 C.F.R. § 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

35 U.S.C. 120 STATEMENT: In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request. 37 C.F.R. § 1.78(a).

1. Enter the unentered amendment previously filed on _____ under 37 C.F.R. §1.116 in the prior nonprovisional application.
2. A preliminary amendment is enclosed.
3. This application is filed by fewer than all the inventors named in the prior application, 37 C.F.R. §1.53(d)(4).
 - a. **DELETE** the following inventor(s) named in the prior nonprovisional application:
.....
.....
4. A new power of attorney or authorization of agent (PTO/SB/81) is enclosed
5. Information Disclosure Statement (IDS) is enclosed:
 - a. PTO-1449
 - b. Copies of IDS Citations

CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
	Total Claims (37 C.F.R. § 1.16(c) or (j))	9 -20 =	0	X \$ 18	\$ 0
	Independent Claims (37 C.F.R. § 1.16(b) or (i))	2 -3 =	0	X \$ 78	\$ 0
	Multiple dependent claims (if applicable) (37 C.F.R. § 1.16(d))	N/A		+ \$ 260	\$ 0
			BASIC FEE (37 C.F.R. § 1.16)		\$ 690
			TOTAL OF ABOVE CALCULATIONS =		\$ 690
	Reduction by 50% for filing by small entity. (Note 37 C.F.R. §§ 1.9, 1.27, & 1.28).				\$ 345
			TOTAL =		\$ 345

6. Small entity status:

- A small entity statement is enclosed, if (b) and (c) do not apply.
- A small entity statement was filed in the prior nonprovisional application and such status is still proper and desired.
- Is no longer claimed.

7. The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 06 - 1300 (Order No. 65680-2/RFT/RMS/DAV/RMK)

- Fees required under 37 C.F.R. § 1.16.
- Fees required under 37 C.F.R. § 1.17.
- Fees required under 37 C.F.R. § 1.18

8. A check in the amount of \$ _____ - is enclosed

9. Other: ① Preliminary Amendment with Exhibit A; ② Return postcard

10. Conditional Petition for Extension of Time: An extension of time is requested in the present and/or above-referenced parent application to provide for timely filing if an extension of time is still required after all papers filed with this transmittal have been considered.

NOTE:

**The prior application's correspondence address will carry over to this CPA
UNLESS a new correspondence address is provided below.**

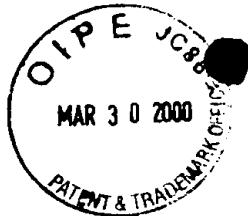
10. NEW CORRESPONDENCE ADDRESS

<input type="checkbox"/> Customer Number or Bar Code Label	<i>(Insert Customer No. or Attach bar code label here)</i>		<input type="checkbox"/> New correspondence address below
Name			
Address			
City	State	Zip Code	
Country	Telephone	Fax	

11. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Dolly A. Vance
Signature	
Registration No. (Attorney/Agent)	39,054
Date	30 March 2000

1013791

**PATENT**

Attorney Docket No.: A-65680-2/RFT/RMS/DAV

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#14/D

PLURK
H2/W

In re application of:) Examiner: J. Brusca, Ph.D.
)
 Haaf *et al.*) Group Art Unit: 1636
)
 Serial No. 09/182,102)
)
 Filed: October 27, 1998)
)
 For: *Methods and Compositions*)
 Utilizing Rad51)

"EXPRESS MAIL" MAILING LABEL	
Number: <u>EL 542 891960 US</u>	Date of Deposit: <u>30 March 2000</u>
I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231, on <u>30 Mar. 2000</u>	
Typed or Printed Name: <u>Hammid SANCHEZ</u>	Signed: <u>H. SANCHEZ</u>

PRELIMINARY AMENDMENT

Assistant Commissioner for Patents
 Washington, DC 20231

Sir:

This amendment is accompanying the filing of a continuing prosecution application under 37 C.F.R. § 1.53(d). This amendment is directed to the Advisory Action dated February 17, 2000, as well as the Final Office Action mailed August 31, 1999. A notice of appeal was filed on November 30, 1999, and this amendment is accompanied by a petition for a two month extension of time and the required fee.

The Commissioner is authorized to charge any additional fees, including extension fees or other relief which may be required, or credit any overpayment to Deposit Account No. 06-1300 (Our Order No. A-65680-2/RFT/RMS/DAV/RMK).